

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

TORRIE WRIGHT, Appointed)	
Administrator of the Estate of)	
DONALD J. CHATMAN, JR.,)	
)	
Plaintiff,)	
)	
v.)	No. 2:23 CV 195
)	
LAKE COUNTY, <i>et al.</i> ,)	
)	
Defendants.)	

OPINION and ORDER

I. BACKGROUND

Donald J. Chatman, Jr., was a pretrial detainee in the Lake County Jail when he died in 2023. (DE # 24.) Plaintiff Torrie Wright is the Appointed Administrator of Chatman's estate. (*Id.*) According to the complaint, Chatman suffered from serious mental illness while he was held as a detainee (DE # 48 at 5), but received an abject lack of medical or mental health treatment. (*Id.* at 7.) The complaint further alleges that after Chatman had spent two weeks consuming little to no food or liquids, jail staff administered an antipsychotic medication but failed to monitor and observe him thereafter. (*Id.* at 10.) Chatman was found lifeless in his cell twelve hours after the medication was administered. (*Id.* at 11.)

Plaintiff sued numerous defendants, including Lake County, under 42 U.S.C. § 1983 for violations of Chatman's constitutional rights. (*Id.*) Before the court is the

motion to dismiss filed by Correctional Health Indiana, Inc. (“CHI”), and its President and CEO, Dr. William Forgey, to dismiss some of plaintiff’s claims. (DE # 54.)

II. LEGAL STANDARD

Defendants move to dismiss the claims against them under Federal Rule of Civil Procedure 12(b)(6). A court reviewing a complaint pursuant to Rule 12(b)(6) must construe the allegations in the complaint in the light most favorable to the non-moving party, accept all well-pleaded facts as true, and draw all reasonable inferences in favor of the non-movant. *United States ex rel. Berkowitz v. Automation Aids, Inc.*, 896 F.3d 834, 839 (7th Cir. 2018).

Under the liberal notice-pleading requirements of the Federal Rules of Civil Procedure, the complaint need only contain “a short and plain statement of the claim showing that the pleader is entitled to relief.” Fed. R. Civ. P. 8(a)(2). “While the federal pleading standard is quite forgiving, . . . the complaint must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face.” *Ray v. City of Chicago*, 629 F.3d 660, 662-63 (7th Cir. 2011); *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007). A plaintiff must plead “factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Ashcroft v. Iqbal*, 129 S. Ct. 1937, 1949 (2009).

To meet this standard, a complaint does not need detailed factual allegations, but it must go beyond providing “labels and conclusions” and “be enough to raise a right to relief above the speculative level.” *Twombly*, 550 U.S. at 555. A complaint must give

“enough details about the subject-matter of the case to present a story that holds together.” *Swanson v. Citibank, N.A.*, 614 F.3d 400, 404 (7th Cir. 2010). Even if the truth of the facts alleged appears doubtful, and recovery remote or unlikely, the court cannot dismiss a complaint for failure to state a claim if, when the facts pleaded are taken as true, a plaintiff has “nudged their claims across the line from conceivable to plausible.” *Twombly*, 550 U.S. at 570.

III. DISCUSSION

A. Dr. Forgey’s Liability Under Section 1983

Defendants first argue that plaintiff fails to plausibly allege that Dr. Forgey, the President and CEO of CHI, was personally involved in depriving Chatman of his constitutional rights in violation of Section 1983. It is well-established that a Section 1983 plaintiff may not rely solely on the doctrine of *respondeat superior*. *Monell v. N.Y. City Dep’t of Soc. Servs.*, 436 U.S. 658, 690-91 (1978). Put another way, supervisory employees are not liable under Section 1983 simply because they are in charge of a wrong-doer. *See id.* Rather, a supervisory employee must have personal involvement in the constitutional deprivation to be held liable. *Gonzalez v. McHenry Cnty., Ill.*, 40 F.4th 824, 828 (7th Cir. 2022).

In a similar case in this district, the court considered the sufficiency of a plaintiff’s allegations that Dr. Forgey knew about the victim’s condition and denial of medical care, failed to transport him to surgery, and inadequately supervised and trained staff. *Hullinger v. Forgey*, No. 2:20-CV-417 -PPS-JEM, 2021 WL 1264914, at *6

(N.D. Ind. Apr. 5, 2021). The court held that, while the allegations were “fairly skimpy,” they still plausibly alleged that Dr. Forgey bore personal responsibility under Section 1983. *Id.* Similarly, in this case, plaintiff has alleged that Dr. Forgey knew of Chatman’s deteriorated condition and mental illness, yet did nothing to ensure he was properly treated and monitored. (DE # 48 at ¶¶ 20, 27, 42, 43.) Like the allegations in *Hullinger*, plaintiff’s allegations are “fairly skimpy” but nonetheless state a plausible claim under the standards set forth by Rule 8 and *Twombly*. The motion to dismiss is denied as to this claim.

B. CHI’s Liability Under Section 1983

Defendants argue that plaintiff impermissibly relies on the theory of *respondeat superior* with respect to the complaint’s Section 1983 claim against CHI. According to defendants, this claim should be dismissed. The court grants the motion to dismiss on this claim, as the unavailability of *respondeat superior* liability under Section 1983 is well-settled. *Monell*, 436 U.S. at 690-91.

C. Indemnification

Finally, defendants argue that plaintiff’s claim seeking indemnification by CHI is premature and should be dismissed. The argument is well-taken. This court only has subject-matter jurisdiction over a case in which the controversy is ripe, and a claim is not ripe if it rests upon contingent future events that may not occur as anticipated, or may not occur at all. *Texas v. United States*, 523 U.S. 296, 300 (1998). Thus, any claim for indemnification is not ripe until liability has been established, and plaintiff’s claim must

be dismissed without prejudice. *Wilborn v. Hutton*, No. 3:23-CV-00910-CCB-MGG, 2024 WL 3916238, at *4 (N.D. Ind. Aug. 23, 2024); *Smith v. Lake County*, No. 2:15-CV-123, 2017 WL 568590, at *9 (N.D. Ind. Feb. 13, 2017); *Hobson v. Dominguez*, No. 210-CV-429-TLS, 2012 WL 4361537, at *16 (N.D. Ind. Sept. 24, 2012).

IV. CONCLUSION

For the foregoing reasons, defendants' motion to dismiss (DE # 54) is

GRANTED, in part, and DENIED, in part.

SO ORDERED.

Date: March 5, 2025

s/James T. Moody
JUDGE JAMES T. MOODY
UNITED STATES DISTRICT COURT